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Law Enforcement and the Transgender Community

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Brett Parson: Every day law enforcement personnel from across the country encounter transgender individuals who are victims hate crimes, abuse, discrimination, intolerance, and injustice. This training has been developed by the United States Department of Justice's Community Relations Service referred to as CRS. In consultation with law enforcement and transgender community leaders. The purpose is to provide the law enforcement community with information, education, and best practice approaches for promoting greater understanding and positive outcomes when interacting with transgender individuals in non-hostile situations.

My name is Brett Parson, I help develop and supervise the Metropolitan Police Department's gay and lesbian liaison unit in Washington DC. I'm currently a Sergeant in the nation's capital. I will be walking you through this training.

Unlike most agencies within The Department of Justice the CRS is not composed of active duty law enforcement or federal prosecutors. CRS is made up impartial civilian mediators called conflict resolution specialists. Originally created by the Civil Rights Act of 1964 to resolve issues related to race, color, and national origin, the CRS mission was expanded following the passage of the Matthew Shepard and James Byrd junior hate crime prevention act in 2009. That act helps communities prevent and responded to violent hate crimes committed on the basis of race, color, national origin, gender, gender identity, sexual orientation, religion, and or disability. CRS has ten regional offices with four field offices strategically located throughout the United States. Each region provides four services: mediation, facilitation, training, and consulting to communities and law enforcement agencies.

This training will give you information tools and techniques to better understand individuals who are transgender and gender non-conforming so that you can do your job more effectively. You will be able to build trust and rapport with the transgender community which will help you develop a network of reliable resources, open doors for improving hate crimes response and reporting, avoid complaints and litigation, and even close cases more quickly. This training can better equip your department as it seeks to establish and maintain collaborative relationships with the transgender community. It may also help make your department more welcoming for employees who are transgender, or who have family members or friends, who are transgender individuals.

To get started you need to be familiar with the appropriate terminology, using incorrect terminology will negatively impact your ability to work collaboratively with transgender individuals. It's also important that you understand common misconceptions that can adversely impact the prevention and response to hate crimes. We'll also walk you through strategies for creating successful collaboration with the transgender community. In order to be effective you need to be comfortable with the terminology used by members of the transgender community. Once you have a better understanding of the vocabulary and more clarity around language that could build or breakdown trust you can do your part to reduce tensions, conflict, and misunderstandings, so you can stay focused on getting your

job done safely and professionally. Using correct terminology is not about being politically correct but instead demonstrating to a victim, witness, or survivor, your awareness and the sensitivity to their communities existence. This will make it more likely that they will cooperate and share vital information that can help you do your job more effectively. Using the correct terms is the difference between starting a conversation or interview with an open or closed door and the words you use from start will set the tone for the remainder of that interaction.

Let's take a closer look at four basic terms and the distinct differences between how we define them, they are: Assigned sex, gender, sexual orientation, and gender identity. Assigned sex is also known as birth sex, it refers to the biological or physiological designation of women and men as male or female at birth. You may have also heard the term intersex, this term is used when a person is born with anatomy that doesn't seem to be fully male or fully female. It may include any individual who was born with partial underdeveloped or ambiguous reproductive systems or in rare instances parts of both the male and female reproductive system. While only a small percentage of the population is born with these variations they may be confused with members of the transgender community.

So we've now defined assigned sex as referring to the biological designation of male or female. Gender on the other hand, refers to the characteristics or expectations of a particular sex as determined by society and includes our notions of what is typically masculine or feminine. To be clear it's important to understand the difference between sex and gender, sex is assigned at birth whereas gender rules are defined by, and even vary by, the society in which we live. In the United States we have observed the spectrum of gender roles expanding over the last few decades to include more variation beyond the two options of masculine or feminine to include more nuanced diversity in human genders. One example would be a stay at home father, another would be women in leadership positions in the workforce such as CEOs.

Sex and gender reflect only a part of overall identity there's also our sexual orientation which refers to a person's physical and/or emotional attraction to people of a specific gender. Heterosexual, bisexual, and gay or lesbian are all sexual orientations. A person's sexual orientation is distinct from a person's gender identity and gender expression, important concepts that will be explained in the next slide.

Every person has an internal psychological gender identity a sense of who they are in terms of gender even if it's not consistent with their assigned sex. We are aware of our gender identity early in life and it stays constant. Gender identity is best viewed as a broad spectrum with stereotypical masculine male being at one end and stereotypical feminine female being at the other end. People identify at many points along that spectrum not just at the extreme ends. Since gender identity is internal, a person's gender identity is not necessarily visible to others and is not something that a person can willingly change, It is one's innermost concept of self as male, female, or both, or in some cases neither. Gender identity emerges very early in life, studies suggest individuals are conscious of their gender identity between 18 months and three years of age. Another component of one's gender identity is gender expression, gender expression explains how a person expresses his or her gender identity to others. An individual's gender expression may be different than society's expectations. People who express their gender through hairstyle, clothing, or general appearances, in a manner that is distinctly different than traditional males or females are sometimes referred to as gender non-

conforming. These individuals do not consider themselves transgender individuals it just means they express their gender in a non-traditional way. Many American Indian or First Nations people who are lesbian, gay, bisexual, transgender, intersex, or gender non-conforming, identify as two spirit. In many nations being two spirit carries both great respect and additional commitments and responsibilities to one's community. Once we recognize that genders are not limited to male and female and that gender identity encompasses a much broader spectrum we can better understand transgender as describing individuals who have a gender identity on that spectrum is different from their assigned sex at birth.

So, what exactly does transgender mean? When describing gender a transgender individual may describe himself or herself as a transgender man, or transgender woman. In either case these self-identities are exactly what they sound like a transgender woman or MTF, which stands for male to female, is someone who was born a male but identifies as or expresses herself as female. A transgender man also referred to by the acronym FTM, which stands for female to male, is someone who was born female but identifies as or expresses himself as male. Within the transgender community and beyond you may also hear the word trans, which is simply shorthand for transgender. You should also note that transgender is an adjective. Terms such as transgendered or a transgender are not correct terminology.

There may be many other terms you've heard but the most respectful term you can choose is transgender. For example transsexual might be a term you've heard to describe transgender individuals. Fewer people identify as transsexual while it might not be considered pejorative it is just not used as broadly as the term transgender. It is a best practice to use the pronouns in gender terms used by the individual. When in doubt it's okay to ask an individual what those preferences are. Simply ask, "how would you like to be addressed?" Do not express your assumption of a person's gender until you've had a chance to speak to that person and ask respectful questions. Using the correct or preferred pronouns demonstrates respect, and lets the individual know that you are knowledgeable about their community which is both reassuring and shows you're a true professional. Remember, as a police officer using these correct terms and pronouns could be your one and only chance to build and maintain the trust you need.

If you want to build trust with the transgender community you should never use terms or pronouns that are offensive such as transvestite, he/she, shemale, or it. You may hear some transgender people refer to themselves using terms such as tranny but it's best not to use this term either. Using offensive terms can diminish trust and potentially impact the victim, witness, or survivors, willingness to collaborate with law enforcement. Remember, transgender individuals are people who deserve respect.

For law enforcement personnel, interviewing techniques are the foundational building blocks of good police work, it's one of the first things we learn. Regardless of who you're interviewing it's always about being professional, respectful, and relevant. For a variety of reasons when you come in contact with a transgender individual you may see what you believe are inconsistencies between their gender and their identification. So what would you do if you notice the gender marker, photo, or name on an individual's driver's permit is male but the person to whom you're speaking is presenting as a female? It is best practice to ask clarifying questions. Do not assume you know the right pronoun to use you

should always ask for a preferred pronoun and respect that person's self-identification regardless of what's printed on the identification. Doing so will establish a level of respect and trust between you and the transgender or gender non-conforming individual. Just ask, "how would you like to be addressed?" Or, "what name would you like for me to call you?" This full training program includes a series of role-play exercises that will allow participants to practice their interviewing techniques for this situation in a real-life scenario.

For each role play interviewing scenario the trainer will break everyone up into small groups. Each group will work with a facilitator, who will walk the group through relevant scenarios giving participants a chance to react and respond appropriately. Some people will play the role of the officer, others will be witnesses, and some groups may include observers. After each exercise trainers will reconvene the large group and talk about what worked and what didn't work during the interviews.

During the discussion period the group will walk through all of the critical issues to consider about the role play interviews to determine if the right tone was set, if questions were asked respectfully, and if relevant information was obtained. Participants will also identify any barriers to communication between officers, and witnesses, so that they can understand how to overcome those barriers on the job. All of the role-playing exercises in this training program are designed to help officers become more comfortable with the correct terminology. It also helps officers learn how to best ask appropriate questions when trying to determine an individual's preferred name and pronoun so that interviews will be conducted professionally, and respectfully, and questioning will stay succinct and relevant.

Now let's look at a few common misconceptions often applied to the transgender community. One of the biggest misconceptions is that transgender or gender non-conforming individuals are purposely putting themselves in harm's way by choosing to go against societal norms and revealing their gender identity to others. The fact is being transgender or expressing oneself in a gender non-conforming way is part of one's identity. It's not something that can be turned on or off. Transgender, and gender non-conforming individuals, have reported instances of law enforcement personnel blaming the transgender or gender non-conforming victims when crimes being committed against them. Some officers may initially blame victims for wearing clothing or expressing themselves in a manner not stereotypically associated with their gender thereby inviting the incident upon themselves. However the fault for a crime always lies in the hands of the perpetrator, and not the victim. As with all victims it is always best to show compassion and support regardless of their involvement in criminal or high-risk activities. Blaming them does nothing to build rapport or seek their cooperation therefore limiting the likelihood for a positive outcome. Victim blaming and revictimization are not synonymous, revictimization can occur well after the crime and at the hands of medical professionals, law enforcement, investigators, counselors, prosecutors, and the courts among others. Revictimization occurs through looks or glances, interaction, body language, tone of voice, or in unkind words. All of which can be avoided through greater awareness and understanding.

Right now the statistics around transgender victimization are unsettling. While there's not a lot of research available what we do see is a cause for concern. One study has shown that a high-volume of transgender people have been victims of hate crimes, experienced harassment in school, or have been discriminated against in the workplace. Another study shows that transgender people are almost three

and a half times more likely to experience police violence compared with non-transgender people. The statistics for transgender people of color, and women, are equally alarming. This data explains why many transgender individuals are fearful and reluctant to report crimes to police due to having had previous negative experiences with law enforcement.

There are clear reasons why transgender individuals may fear the police and be less likely to report hate crimes. Any actual or perceived insensitivity towards transgender individuals by police officers can reinforce the general mistrust and the perceived indifference of law enforcement. Although there are published statistics for the percentage of transgender individuals who have had negative experiences with police these numbers reflect only those who responded to the surveys taken and it's believed the percentages are even higher than what we see here. In some cases transgender women have reported being profiled as sex workers by law enforcement. Many more may choose not to report a hate crime, or other crime, because they fear that responding law enforcement personnel will stereotype them by accusing them of being sex workers. What all this makes clear is that there is a pressing need for more education and greater understanding.

During the full training facilitators will discuss several simulated encounters that officers may have including responding to 911 calls where transgender individuals were involved and situations where violence against a transgendered individual may have been perpetrated. In any of the scenarios their are critical issues to consider which officers can apply in this training.

With each reality-based scenario presented to the group, participants will have an opportunity to put this training into practice to determine if a hate crime has been committed and the best way to proceed with interviews. These examples will also highlight how misconceptions and stereotypes can negatively affect an officer's ability to properly serve individuals who are transgender. With this training officers will be better equipped to recognize these misconceptions and stereotypes and have a better understanding as to why there might be reluctance in the transgender community to report hate crimes to law enforcement.

The large group discussions also create an opportunity to reinforce the interviewing skills discussed earlier in this training. At this point it's clear how officers can avoid making gender assumptions or labeling an individual in the wrong way. Officers need to use the pronoun that each person prefers, he or she, and respectfully address people with titles matching those preferences such as ma'am or sir. This training also ensures officers understand that it's okay to ask which title is preferred. If a search is required officers might consider asking the person if they would prefer a male or female officer to conduct a search. Depending on your state or agency there may be specific laws and policies governing how to conduct searches of transgender or gender non-conforming individuals. If your department or agency does not have a model policy for stopping and searching transgender and gender non-conforming individuals you may want to consider developing one with the help of a local and/or national transgender advocacy organization. The full training provides a list of resources and contact information for other organizations that can assist you in creating relevant policies, and who are willing to share their policies with other law enforcement agencies.

Now that we've discussed terminology, interviewing, stereotypes, and misconceptions about individuals who are transgender, you can use this knowledge to improve your ability to serve transgender individuals in your community. Transgender people are young, old, and have different races, religions, professions, and economic backgrounds. They are local business owners, community leaders, our neighbors, and also members of law enforcement themselves. You can engage with this community proactively by doing the following: take time to introduce yourself to community members and organizational leaders before issues arise, build relationships, developing community contacts, and creating liaisons, collaborate on trainings for other organizations, and actively support educational initiatives. A lot has been covered in this training but one of the most basic points is to simply treat transgender and gender non-conforming individuals with professionalism, respect, and dignity in the field interactions that you have with them. With greater clarity around terminology and common awareness of misconceptions about transgender people you will be better equipped to interact and collaborate more effectively with the transgender community and even encourage the reporting of hate crimes victimization against transgender individuals in your jurisdiction.

CRS developed this training in consultation with national, regional, and local lesbian, gay, bisexual, and transgender, also known as LGBT organizations, national advocacy organizations, and federal and local law enforcement. To incorporate broad perspectives in this training CRS hosted a series of round table discussions through which participants provided valuable insights, guidance, and feedback. CRS appreciates the collaboration and contributions of everyone who was involved in bringing greater awareness of, and education about, a community that historically has been victimized by hate crimes, disproportionate levels of violent crime, and remains largely misunderstood by the greater population.

This training is an abbreviated version of a comprehensive training program designed for law enforcement agencies that may wish to learn how to better serve transgender community members. Please visit CRS's website: at [justice.gov/CRS](https://www.justice.gov/CRS). For more information about the full-length version of this training and others CRS trainings that are available to your agency or community. Thank you.